

HOUSE BILL 2561

By McDaniel

AN ACT to amend Chapter 32 of the Private Acts of 1941, as amended by Chapter 668 of the Private Acts of 1951; Chapter 722 of the Private Acts of 1951; Chapter 22 of the Private Acts of 1961; Chapter 153 of the Private Acts of 1971; Chapter 418 of the Private Acts of 1972; Chapter 109 of the Private Acts of 1977; and any other acts amendatory thereto, relative to the Wayne County Department of Highways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 32 of the Private Acts of 1941, as amended by Chapter 668 of the Private Acts of 1951, Chapter 722 of the Private Acts of 1951, Chapter 22 of the Private Acts of 1961, Chapter 153 of the Private Acts of 1971, Chapter 418 of the Private Acts of 1972, Chapter 109 of the Private Acts of 1977, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways and bridges in Wayne County, Tennessee, and providing for the development of other public means of transportation, a Department of Highways for such county is hereby created.

SECTION 3. The Commissioner of Highways shall be deemed to be the chief administrative officer of the department which builds and maintains the roads of the county under the terms of the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2. The Commissioner of Highways shall have the qualifications, term of office, duties, powers, authority and minimum compensation as provided by the County Uniform Highway Law currently and as such act might be amended in the future, and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the aforesaid County Uniform Highway Law, now and in the future.

SECTION 4. The current Commissioner of Highways for Wayne County took office September 1, 2006, and shall serve as Commissioner until August 31, 2010. At the August general election for the year 2010, the Commissioner of Highways shall be elected by the popular vote of such county and shall take office September 1, 2010, and shall serve for a period of four (4) years or until his successor shall have been elected and qualified. Every four (4) years thereafter, there shall be elected a Commissioner of Highways, who shall serve for a period of four (4) years or until his successor is elected and qualified; that in case of vacancy in such Commissioner of Highway's office, such vacancy shall be filled by the vote of the county legislative body of such county in accordance with Tennessee Code Annotated, Section 5-1-104.

SECTION 5. The Commissioner of Highways shall be the purchasing agent for the Wayne County Department of Highways and as such is responsible for all purchases of the department, for proposing a budget for the department, and for maintaining the inventory of the department. In performing these duties, the Commissioner of Highways shall conform to all applicable provisions of state law, including the County Uniform Highway Law, and to all applicable local acts or resolutions.

SECTION 6. The Commissioner of Highways shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Wayne County under his signature. Expenditures shall conform to the budget of the Wayne County Department of Highways as approved by the county legislative body.

SECTION 7. At the public office kept and maintained for and by such Commissioner of Highways there shall be kept on file for public inspection a map or maps of Wayne County showing the boundaries of each civil district in the county, all the public roads, highways and bridges in such county, and the point or points where work is being done on any such road, highway or bridge at public expense; estimates of the cost of construction, maintenance or

repairs; copies of all public contracts; a list of all foremen, laborers, or other employees and the amount of salary, wages or compensation being or has been paid to each; and the amounts of receipts for highway purposes and the amounts expended during each calendar month; all of which shall be open to the public and inquires concerning same answered.

SECTION 8. All laws or parts of laws in conflict with the act are hereby repealed.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of the act which can be upheld without the invalid provision, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Wayne County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For the purposes, it shall become effective upon being approved as provided in section 10.